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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

TROVE BRANDS, LLC,) Case No. IPR2025-00140
) U.S. Patent No.
Petitioner,) 11,851,250
)
vs.)
)
CAMELBAK PRODUCTS, LLC,)
)
Patent Owner.)
)

DEPOSITION UPON ORAL EXAMINATION OF
MICHAEL JOBIN

TUESDAY, NOVEMBER 25, 2025

8:04 AM PST

ALL PARTIES APPEARED REMOTELY

Pages 1 - 112
Job No. 609942
Reported By: Nichole Forrest, RDR, RMR, CRR, CRC
Stenographic California CSR No. 13527

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VIDEOCONFERENCE DEPOSITION OF
MICHAEL JOBIN, HELD REMOTELY:

Witness Location:
Naples, Florida

Deposition held pursuant to Notice of
Deposition, before Nichole Forrest, RDR, RMR, CRR,
CRC, Certified Shorthand Reporter for the State of
California, License No. 13527.

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1 TUESDAY, NOVEMBER 25, 2025

2 8:04 AM PST

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4

5 THE TECHNICIAN: Thank you to everyone for
6 attending this proceeding remotely, which we
7 anticipate will run smoothly. Please remember to
8 speak slowly. Do your best not to talk over one
9 another. Please be aware that we are recording this
10 proceeding for backup purposes. Any off-the-record
11 discussion should be had away from the computer.
12 Please remember to mute your mic for those
13 conversations.

14 Please have your video enabled to help the
15 reporter identify who is speaking. If you're unable
16 to connect with video and are connecting via phone,
17 please identify yourself each time before speaking.

18 We will provide a complimentary unedited
19 recording of this deposition with the purchase of a
20 transcript. I apologize in advance for any
21 technical-related interruptions. Thank you.

22 THE STENOGRAPHER: And just for the

1 record, everyone, my name is Nichole Forrest. I am a
2 Certified Shorthand Stenographic Reporter with the
3 State of California, License No. 13527.

4 (Witness sworn.)

5 MICHAEL JOBIN,

6 The witness, after being sworn, testified as follows:

7 EXAMINATION

8 BY MR. MESSICK:

9 Q. Good morning, Mr. Jobin.

10 A. Good morning.

11 Q. How are you doing today?

12 A. Doing well.

13 Q. Is "Mr. Jobin" okay, if I call you that?

14 A. Yes.

15 Q. You understand that we're here to discuss
16 your testimony in IPR2025-00140; correct?

17 A. Yes.

18 Q. Is it okay if I simply refer to the 140 IPR
19 as the "IPR" during today's deposition or the "'250
20 IPR"?

21 A. Yes.

22 Q. Do you understand the subject of the IPR is

1 U.S. Patent 11,851,250?

2 A. I do.

3 Q. Is it okay if I refer to that patent as the
4 "'250 patent" during today's deposition?

5 A. Yes. I do the same.

6 Q. Do you understand that the '250 patent is
7 part of a family of patents that includes several
8 continuations?

9 A. Yes.

10 Q. Is it okay if I refer to that family of
11 patents as the "'250 family"?

12 A. Sure.

13 Q. Do you understand that the '250 family
14 includes U.S. Patent No. 10,676,255?

15 A. Yes, that is my understanding.

16 Q. Is it okay if I refer to that patent as the
17 "'255 patent"?

18 A. Yes.

19 Q. You provided testimony in an IPR related to
20 the '255 patent; correct?

21 A. I did.

22 Q. Okay. And that was IPR2024-01137; correct?

1 A. I'd have to check my records, but that sounds
2 right.

3 Q. Is it okay if I refer to that IPR proceeding
4 as the "'255 IPR" during today's deposition?

5 A. Yes.

6 Q. Do you understand that the testimony you give
7 today is under oath and subject to the same penalties
8 of perjury as if you were testifying in a courtroom?

9 A. I do.

10 Q. Okay. As far as cadence goes, we'll probably
11 go for about an hour, then take a break; but if you
12 need a break before that, just let me and we can take
13 one.

14 A. That sounds great.

15 Q. Where are you located today, Mr. Jobin?

16 A. I'm in my home office in Naples, Florida.

17 Q. Is anyone in the room with you today?

18 A. No.

19 Q. Is anyone else home?

20 A. Not at the moment. But my wife and son will
21 be home at some point later, but they won't be in the
22 office.

1 Q. Do you have any materials with you in your
2 office today?

3 A. No. Anything that I had I removed for this
4 deposition.

5 Q. Do you have any other applications open on
6 your computer other than Zoom?

7 A. My intent is to just have Zoom open at the
8 moment. Let me double-check.

9 Yeah, just Zoom is open.

10 Q. Great. Is there anything that would prevent
11 you from testifying truthfully today?

12 A. No.

13 Q. No drugs or medications that would impair
14 your ability to testify today?

15 A. None.

16 MR. MESSICK: Kollin, can we please bring
17 up Exhibit 204 [sic], Mr. Jobin's r sum .

18 THE TECHNICIAN: Yes. Give me one second
19 it will be on our screens.

20 MR. MESSICK: Thank you.

21 THE TECHNICIAN: Here is Exhibit 204 [sic]
22 now.

1 (Exhibit 2004, previously marked, referenced.)

2 BY MR. MESSICK:

3 Q. This is a copy of your r sum from March of
4 this year; correct, Mr. Jobin?

5 A. Yes.

6 MR. MESSICK: And if you want to scroll
7 through, Kollin, just so he can see the whole
8 document.

9 THE WITNESS: Yes. Looks -- looks
10 familiar.

11 BY MR. MESSICK:

12 Q. Since this document was submitted in March of
13 this year, have there been any changes or updates to
14 your r sum ?

15 A. Yes, there would be one. At the end of
16 September, I transitioned -- I'm transitioning out of
17 my company that I founded, 908 Devices, to do more
18 consulting work.

19 So the -- although I continue to work part
20 time for 908 Devices, a new entry at the top of the
21 r sum would be added to be consistent with my current
22 r sum .

1 MR. MESSICK: Can you please scroll back
2 to the top, Kollin.

3 BY MR. MESSICK:

4 Q. Who is your current consulting position with?

5 A. It -- so I've basically restarted Aston
6 Technology Advisors, which is a company I owned and
7 ran as a consulting firm prior to founding 908
8 Devices. And so this is a continuation of my
9 consulting activities under Aston Technology Advisors.

10 Q. And that's the company listed in that second
11 entry in your r sum ?

12 A. Same company, and I'm a -- I'm a sole
13 proprietorship.

14 Q. Great. It does look like, in this copy of
15 your r sum that was submitted to the patent office,
16 the third line of the Aston Technology position was
17 cut off. Do you see the like little tops of the
18 letters there?

19 A. Yeah, I do see that.

20 Q. I'll -- I'll represent to you that the PDF,
21 you can select that lettering and that the line reads:
22 Products company and alternative energy company.

1 Does that sound right?

2 A. It does.

3 Q. Is there a reason that you decided to take a
4 step back from your role at 908 Devices and focus on
5 your consulting work, Mr. Jobin?

6 A. Well, I continued to consult while I was with
7 908 on a very part-time basis. And as a founder of
8 the company, I took the company from three people all
9 the way to an IPO with my partners and -- and
10 ultimately a successful exit from that company
11 financially.

12 So it was just time for me -- with my move
13 to Florida as well as -- I'm now a resident of the
14 state, it's -- commuting back and forth was -- was
15 getting to be a bit much. So it was time for me to
16 transition to -- back to my consulting role prior to
17 founding the company.

18 Q. Awesome. Congratulations on the IPO.

19 A. Thank you.

20 Q. I am a little curious what the chemical
21 detection -- detection instrumentation you developed
22 as part of the 908 Device company is.

1 A. Sure. Our chemical detection technology is
2 based on miniature ion traps in the form of a portable
3 mass spectrometer. We sample the air, or we create
4 vapor from a -- from a sample which has been
5 collected, and -- and then we ionize that and trap it
6 and -- one moment please.

7 (Interruption)

8 THE STENOGRAPHER: I'm sorry -- oh.

9 MR. MESSICK: We can go off the record
10 while he takes a second.

11 (Off the record.)

12 MR. MESSICK: We went off the record for a
13 second. Just a moment, let's go back on the record.

14 THE STENOGRAPHER: Yes, sir.

15 BY MR. MESSICK:

16 Q. Okay. Go ahead.

17 A. All right. So I was saying that the device
18 ionizes the -- the vapor samples, traps it
19 electronically with a -- with a small miniature ion
20 trap, and then we eject the ions and detect them so
21 that we can tell what their mass-to-charge ratio is
22 and ultimately determine the nature of what chemical

1 we're detecting.

2 So it's the world's smallest portable mass
3 spectrometer, and it's used in Homeland Security
4 applications and drug interdiction.

5 BY MR. MESSICK:

6 Q. Sounds really interesting. Were there any
7 other products you worked on during your time at 908?

8 A. Sure. That was the foundational product and
9 technology, and -- and then my team and I developed
10 new products to serve the biotechnology space and --
11 and life sciences applications as well; so benchtop
12 applications using the same technology.

13 Q. When you were working, I guess consulting,
14 with Aston Technology Advisors, was that expert
15 consulting you've done on cases, or does that also
16 include other consultancies?

17 A. Most of my work with Aston was
18 product-development based. My background as an
19 engineer is as a mechanical design and mechanical
20 development of -- of products. So that's the focus.
21 I think that during that time frame, I -- just looking
22 at the time frame there.

1 It wouldn't have been until the end of
2 that time frame that I did any expert testimony;
3 probably in 2011, 2012 time frame when I -- when I
4 would have done some of that, but mostly it was
5 product based.

6 Q. You continued to do expert consulting through
7 Aston Technology during your time at 908. Is that
8 correct?

9 A. It certainly wasn't my major focus because
10 there was plenty to do with 908 Devices. That was the
11 bulk of my time and energy. But I -- the mechanical
12 design experience and the -- a lot of products that we
13 developed for the benchtop involved fluidics and
14 valves and -- and pumps and closures and all kinds of
15 different -- different aspects. A lot of my
16 background is related to fluidics. And so I continued
17 to leverage that.

18 MR. MESSICK: You can take this down,
19 Kollin. Can you please bring up Exhibit 2001.

20 THE TECHNICIAN: Yes, sir. Give me one
21 second, and it will be right up on our screen.

22 MR. MESSICK: Take your time.

1 THE TECHNICIAN: Here is Exhibit 2001.

2 (Exhibit 2001, previously marked, referenced.)

3 BY MR. MESSICK:

4 Q. Do you recognize this as the first
5 declaration you submitted in the '250 IPR, Mr. Jobin?

6 A. Yeah, I'm looking at the title page now.
7 This looks like the cover page for my declaration for
8 this patent, '250.

9 MR. MESSICK: Can you scroll to the last
10 page, Kollin, page 62, of the PDF or page 60 of the
11 declaration.

12 BY MR. MESSICK:

13 Q. Is this your signature on the last page of
14 Exhibit 2001, Mr. Jobin?

15 A. It is, yes.

16 Q. And that's dated, looks like, March 14th,
17 2025?

18 A. Correct.

19 Q. Great.

20 MR. MESSICK: Can you please take this
21 down and pull up Exhibit 2016, Kollin.

22 THE TECHNICIAN: Yes, sir, of course.

1 Give me one second, and I'll have 2016 up as well.

2 Here is 2016 on our screens now.

3 (Exhibit 2016, previously marked referenced.)

4 BY MR. MESSICK:

5 Q. Do you recognize this as the second
6 declaration you submitted in the '250 IPR, Mr. Jobin?

7 A. Yes. This appears to be the cover page for
8 that declaration. I don't recall the date that it
9 was --

10 MR. MESSICK: Could we please go to the
11 last page, Kollin.

12 BY MR. MESSICK:

13 Q. Is this your signature on page 86 of Exhibit
14 2016, Mr. Jobin?

15 A. Yes, it is.

16 Q. Okay. And that's dated September 16, 2025;
17 correct?

18 A. Correct.

19 Q. Okay. How long did you spend preparing
20 Exhibit 2016, Mr. Jobin?

21 A. Preparing this -- this declaration that's up
22 on the page now?

1 Q. Yes, sir.

2 For simplicity, I'll refer to them by the
3 exhibit numbers since there are two declarations.

4 So the Exhibit 2001 is your first
5 declaration submitted in March, and then your second
6 declaration is Exhibit 2016 submitted in September of
7 this year. Is that --

8 A. Right. Understood.

9 I don't have an exact number. I recall
10 working on this over the course of, you know -- over
11 the course of a month but not full time. So, you
12 know, it would be less than a month of work to put
13 this together.

14 Q. How about many hours did you spend preparing
15 Exhibit 2016?

16 A. Again, I'd have to look at my records, but
17 I'm going to say probably -- I would say probably in
18 the 80-hour range.

19 Q. Do you recall how long you spent preparing
20 Exhibit 2001, the first declaration?

21 A. That's a little longer ago now, so I'd have
22 to go back, but probably in the similar -- similar

1 time. That would be -- that would be my estimate
2 based on the length of it that I recall.

3 Q. Is there anything you would like to correct
4 or change in the Exhibit 2016?

5 A. Having reviewed it recently, I don't recall
6 any -- anything substantive that would require
7 correction.

8 Q. There's no changes or admissions you would
9 like to make to Exhibit 2016 outside of the typos;
10 correct?

11 A. Well, again, there may be a typo or two but
12 nothing substantive that I recall.

13 Q. Any omissions from Exhibit 2016?

14 A. Not that I know of.

15 Q. Did anything change between Exhibit -- sorry,
16 strike that.

17 Did anything change between March of this
18 year, when you submitted Exhibit 2001 and September of
19 this year when you submitted Exhibit 2016?

20 MR. MUDD: Object to the form.

21 THE WITNESS: When you say "did anything
22 change," you mean regarding my opinions?

1 BY MR. MESSICK:

2 Q. Yes, sir.

3 A. I mean, I don't recall my opinions changing
4 or having any inconsistencies. Whether there was
5 additional material that I considered, I don't recall.
6 I don't think so, but I'd have to double-check the
7 2001 declaration again.

8 Q. You're also the expert in the '255 IPR;
9 correct?

10 A. I was, correct.

11 Q. Were there any differences between your
12 opinions in the present IPR and the '255 IPR?

13 A. Well, the '255 IPR declaration was directed
14 towards -- you know, it was in response to a different
15 declaration by Dr. Vallee. It was focused on
16 different grounds. And so my analysis was focused on
17 those grounds. So those changes would -- those
18 differences would certainly be notable.

19 Q. Do you recall the prior art references that
20 were asserted in the '255 IPR?

21 A. I recall them being similar for the primary
22 grounds.

1 Q. What references were asserted in the '255
2 IPR?

3 A. I'm just making sure I'm thinking of the
4 right one.

5 My understanding is it was the same as the
6 two primarily references. Nakajima was the one that
7 was -- was earlier and -- yeah, I'd have to look at it
8 again to remember.

9 But I recall it being based on the same
10 specification. The patent specification for both the
11 '255 and the '250 are the same. But the claims, of
12 course, for both of those patents are different, and
13 therefore, the analysis is directed towards those
14 claims.

15 Q. So the analysis of the claims of the '250
16 patent and the '255 patent is different; correct?

17 A. Well, the analysis and the process I used to
18 analyze the claims is the same, but the opinions are
19 directed are towards the -- you know, the invalidity
20 opinions expressed by Dr. Vallee. And my analysis was
21 that his -- that his opinions were incorrect in that
22 regard.

1 Q. Are the claims of the '255 and the '250
2 patents the same?

3 A. The claims for the '255 and the '250 patents
4 are not the same.

5 Q. What are the differences between the claims
6 of the '255 and the '250 patents?

7 MR. MUDD: Objection --

8 THE WITNESS: Well --

9 THE STENOGRAPHER: I'm sorry, I didn't
10 hear the objection.

11 THE WITNESS: -- if we want to pull them
12 up and put them side by side, I'd be happy to walk you
13 through them. It's not something I'm prepared to do
14 from -- from memory.

15 THE STENOGRAPHER: I'm sorry, was there an
16 objection?

17 MR. MESSICK: Yes.

18 MR. MUDD: Yeah, I just objected to the
19 form.

20 THE STENOGRAPHER: Thank you.

21 BY MR. MESSICK:

22 Q. Have you reviewed any of the other patents in

1 the '250 family besides the '250 and the '255 patents?

2 A. I don't recall specifically if they're in
3 this patent family or not. I'd have to -- if there's
4 particular patents, I can -- I can recall, if you want
5 to mention them, I'd be happy to confirm whether I've
6 reviewed them or not. But I think so, but I don't
7 remember for sure.

8 Q. So you don't recall reviewing any other
9 patents in the '250 family besides the '250 and the
10 '255 patents sitting here today; correct?

11 A. Well, once, again, the -- the patent family
12 chart is not in front of me. It's just, I'm not
13 remembering at this instance if there was another one
14 related to these in the tree. I'd have to look and --
15 and review them individually to know, if they're --
16 for example, if they are party to another of the
17 related IPRs in Trove v. CamelBak, then the answer
18 would be yes, because that would be something you
19 already have on record.

20 As to whether I've reviewed a particular
21 patent, what I have done in the declaration is to cite
22 the documents that I rely upon for my opinions, and

1 that would be a good place to go to confirm whether
2 I've reviewed them or not.

3 MR. MESSICK: Can we please go to page 25
4 of the PDF, Kollin. Is that the easiest way to get
5 you to go to the page, is tell you the PDF file?

6 THE TECHNICIAN: Yes, sir. Just give me
7 whatever the PDF is, and I can just jump to it.

8 MR. MESSICK: Great.

9 BY MR. MESSICK:

10 Q. Do you see paragraph 56 on the page, Dr. --
11 or Mr. Jobin? You can zoom in if you need to.

12 A. Yeah, I'm going to do that real quick.

13 Yes, I see paragraph 56.

14 Q. In your declaration, you propose
15 constructions of multiple claim terms; correct?

16 A. There are three different claim terms that
17 the patent owner has proposed, and I evaluate those
18 constructions in this section of my declaration.

19 Q. Your declaration evaluates the claim
20 constructions proposed by patent owner. Is that
21 correct?

22 A. Right. I didn't write these constructions.

1 What I'm doing is offering my opinion regarding claim
2 construction, and I'm using these that have been put
3 forth as the basis of that -- of that -- of that -- of
4 my opinion.

5 MR. MESSICK: Can we scroll down to page
6 77 of the PDF.

7 BY MR. MESSICK:

8 Q. Paragraph 125 reads: I note that at
9 institution, the board adopted patent owner's
10 proffered dictionary definition from Merriam-Webster
11 which defines a mouthpiece as "a part" -- "a part, as
12 of an instrument, that goes in the mouth or to which
13 the mouth is applied."

14 Do you agree that the plain and ordinary
15 meaning of "mouthpiece" is the Merriam-Webster
16 definition of mouthpiece, Mr. Jobin?

17 A. Well, I stated that I agreed that it's
18 consistent with the plain and ordinary meaning; that
19 as -- as a piece of extrinsic evidence, it supports my
20 opinion that -- of what a mouthpiece is.

21 Q. Is the plain and ordinary meaning narrower
22 than the meaning adopted by the board in its

1 institution decision?

2 A. I certainly didn't say that. What I said was
3 that -- that the dictionary definition is consistent
4 with the claim construction that was put forth by
5 patent owner and ultimately agreed to by the board in
6 their institution decision.

7 So, you know, I look at all of these
8 pieces of evidence in evaluating my opinion on the
9 claim construction. Ultimately, you know, what's put
10 forth, this particular piece of extrinsic evidence
11 just supports that opinion.

12 Q. Patent owner proffered the Webster's
13 dictionary definition of "mouthpiece" as the plain and
14 ordinary meaning of mouthpiece; correct?

15 A. If I recall, the board actually adopted the
16 dictionary definition of mouthpiece just because it
17 was so consistent with what was proffered.

18 Q. The sentence reads: The board adopted patent
19 owner's proffered dictionary definition from
20 Merriam-Webster.

21 I'm asking: The dictionary definition of
22 mouthpiece was proffered by patent owner as the plain

1 and ordinary meaning; correct?

2 A. I mean, I think I've answered that. What
3 I've stated is that the dictionary definition is
4 consistent with the proffered claim construction for
5 mouthpiece. And I agreed with that.

6 Q. What is the plain and ordinary meaning of
7 "mouthpiece"?

8 A. Well, it's evident from what one of ordinary
9 skill knows. I mean, it's -- I've talked about it at
10 some length in my -- in my declaration. One
11 understands that a mouthpiece is a piece that's
12 inserted into the mouth. It is defined by
13 Merriam-Webster in a similar way, which is a part of
14 an instrument that goes into the mouth to which the
15 mouth is applied.

16 It is one of those words that's relatively
17 simple that one of a person of ordinary skill would
18 understand, and I'm observing that this additional
19 extrinsic evidence supports that. And I -- in my
20 view, the board has agreed that it does.

21 MR. MESSICK: Please scroll up to PDF
22 page 33, Kollin.

1 BY MR. MESSICK:

2 Q. Under patent owner's construction of
3 "pivotal," a mouthpiece that rotates with a constant
4 radius between two points undergoes pivotal movement;
5 correct?

6 A. It would be quite helpful for me to have a
7 copy of my declaration in front of me. It's really
8 hard to read on this screen because of the Zooming.
9 To that end, I have a copy of the PDF file that was
10 used in this case. It's unannotated. It's in a --
11 it's in a marked folder on my desktop for this
12 purpose. Okay if I access that?

13 MR. MESSICK: Kollin, can you just share
14 with him a copy of the declaration that I uploaded
15 yesterday?

16 THE TECHNICIAN: Yes, sir. It should
17 be -- what's the exhibit number on that one?

18 MR. MESSICK: It's Exhibit 2016.

19 THE TECHNICIAN: Yes, I have that up.

20 MR. MESSICK: Okay.

21 THE TECHNICIAN: Here you go, Mr. Jobin.
22 You actually have control. So if you just click in

1 the middle of your screen, you should be able to
2 control the document.

3 THE WITNESS: Okay. So we're in Exhibit
4 2016 now and I have the ability to scroll. Is that
5 right?

6 MR. MESSICK: Yeah, you should be able to
7 scroll live time. There you go.

8 THE WITNESS: That's helpful. I
9 appreciate that.

10 So I'm just reviewing what section of --
11 of my declaration that we're in. I believe we're in
12 Claim Construction still. Is that right?

13 Yes, it looks like it's claim construction
14 4, Section B, two joints that define a pivotal axis
15 for pivotal movement of the pivotal mount, which is
16 directed in particular at Claims 1, 7, and 13.

17 And so let's return to -- what page were
18 you on? 44?

19 BY MR. MESSICK:

20 Q. 33.

21 A. 33, sorry. And could you ask that question
22 again?

1 Q. Under patent owner's construction of
2 "pivotal," a mouthpiece that rotates with a constant
3 radius between two points undergoes pivotal movement;
4 correct?

5 MR. MUDD: Object to the form.

6 THE WITNESS: Yeah, that -- you used the
7 phrase "two points," which is not how I would put it.
8 A -- a body would rotate with rotational pivotal
9 motion about an axis if all of the parts of the body
10 rotate through -- they would rotate through the same
11 angle; and that a particular point in the body would
12 remain at the same radius or distance from the axis of
13 rotation.

14 What I mean by that is that it would
15 travel in a circular path around that axis, so each of
16 the points would travel in a circular path is what I'm
17 saying.

18 BY MR. MESSICK:

19 Q. Under patent owner's construction of
20 "pivotal," a mouthpiece that rotates in a circular
21 path between two points undergoes pivotal movement;
22 correct?

1 MR. MUDD: Object to the form.

2 THE WITNESS: No, that's not what I said
3 and that's not correct. Moving between two points
4 does not connote a rotational motion, in my view.

5 The definition of "rotational motion" is
6 that a point in the mouthpiece moves in a circular
7 path about that axis, not translational where it would
8 be from one point to another, resulting in a different
9 distance from the -- the rotation axis. So, very
10 different from what you stated.

11 BY MR. MESSICK:

12 Q. Under patent owner's construction of
13 "pivotal," a part must be sufficiently rigid to
14 constitute a rigid body such that your construction of
15 pivotal applies; correct? Actually, strike that.

16 Under patent owner's construction of
17 "pivotal," it must be presumed that the mouthpiece is
18 sufficiently rigid to constitute a rigid body;
19 correct?

20 A. Well, the term "rigid body" is something that
21 is part of the physics definition of rotational
22 motion. What I stated is that the mouthpiece that is

1 disclosed within the '250 patent specification is
2 sufficiently rigid to be considered a rigid body under
3 that definition; and that's because the material is
4 resilient enough to maintain its shape. It returns to
5 its former shape after it's been distorted by teeth,
6 for example, during -- during aspiration.

7 But in -- in my view, the combination of
8 the mouthpiece and the pivotal mount together form a
9 rigid body, and that pair together are -- are engaged
10 in rotational motion or pivotal motion about that
11 axis.

12 Q. How did you determine that the mouthpiece is
13 a rigid body?

14 A. It's understood by a person of ordinary skill
15 in the art that this mouthpiece is applied to the
16 pivotal mount, and there's plenty of figures which
17 I've cited and which are present within the '250
18 patent which indicate that.

19 You've got embodiments in which you've got
20 a cylindrical form which is applied around the outside
21 and connected intimately to that pivotal mount in a
22 way that it's understood as you rotate that, they move

1 together, that they're not moving in different
2 directions.

3 It's quite evident from the construction,
4 the cross-sectional views and the other views present
5 in '250, to one of ordinary skill in the art.

6 Q. Your opinion that the claims require rigid
7 body rotation of the mouthpiece is based on the
8 figures of the '250 patent. Is that correct?

9 A. My opinion as a person of ordinary skill is
10 based in part on the figures. It's also based on the
11 language of the specification in the claim, which I've
12 cited within. I've talked about the mouthpiece being
13 described as being resilient and automatically
14 returning to its original shape without permanent
15 deformation.

16 That indicates to me that for the purposes
17 of analyzing its motion, as you would in an example
18 from a physics textbook, if you were given this system
19 in a physics exam, you would look at the mouthpiece
20 and the pivot mount together as a rigid body. That's
21 how you would evaluate their motion.

22 And you can see from the different states

1 of motion from the closed position to the open
2 position, you can verify that they remain in that same
3 relationship during the rotation. You can measure on
4 the page. You can observe. You can also just
5 understand based on the way that those figures are
6 described in the specification that that's how this
7 system is working.

8 Q. Is it appropriate for an expert to rely on
9 the figures of a patent to form his opinions?

10 A. A person of ordinary skill when analyzing or
11 evaluating, you know, obviousness -- and here we're
12 talking about claim construction. But the
13 specification is understood to include the words in
14 the spec, the figures in the spec, and the claims.
15 And then one could also consider additional extrinsic
16 evidence as well.

17 But my understanding of the process when
18 one is thinking about claim construction and
19 construing the claims appropriately, to evaluate that
20 you need to consider all of the spec and that includes
21 the figures.

22 Q. Is that true of patentability analysis as

1 well?

2 A. Well, sure. The patentability analysis and
3 looking at obviousness, for example, you understand
4 the scope of the claims based in part on reading and
5 understanding the spec, and that includes the figures.

6 MR. MESSICK: Could we scroll down to
7 paragraph 79 on page 39 of the PDF.

8 THE STENOGRAPHER: I'm sorry, I didn't
9 hear the page.

10 MR. MESSICK: 39. Apologies.

11 THE WITNESS: All right. Page 39.

12 BY MR. MESSICK:

13 Q. The plain and ordinary meaning -- sorry.
14 Strike that.

15 If we look at the third line of this
16 paragraph, it says: For example, Merriam-Webster
17 defines "with" in this context as meaning in the
18 direction of, to indicate a participant in an action,
19 transaction, or arrangement; or to indicate
20 combination, accompaniment, presence, or addition.

21 It cites Exhibit 2017.

22 Does the plain and ordinary meaning of

1 "with" encompass those three Webster dictionary
2 definitions?

3 A. Well, what I have noted is that the -- the
4 person of ordinary skill in the art would understand
5 what "with" means because it's a simple word and a
6 simple concept, but this additional extrinsic evidence
7 supports that understanding.

8 The idea that the mouthpiece accompanies
9 or -- or moves with the pivotal mount is understood
10 from the specification that "with" connects those two
11 bodies as they're rotating. That's the whole point of
12 this particular claim limitation.

13 So this just is additional evidence which
14 points one and helps to confirm that that
15 understanding is correct.

16 Q. In paragraph 79 you're citing three different
17 definitions of "with" though; correct?

18 A. Sure. In the first sentence there are three
19 examples provided from the Merriam-Webster definition
20 of "with." And what I've stated is that -- what I've
21 stated is that those are consistent with it. They
22 don't muddy the waters. They support what one already

1 understands.

2 You know, again, you're going to
3 the intrinsic evidence first, which is how the phrase
4 is used, and understanding the use of that term in the
5 claim limitation in the context of the specification,
6 which shows multiple examples showing how those two
7 parts relate, and then I'm pointing to this additional
8 evidence to support my opinion.

9 Q. So the plain and ordinary meaning of a word
10 can be consistent with multiple dictionary
11 definitions. Is that correct?

12 A. Well, these dictionary definitions are
13 different examples which sort of point to or address
14 different aspects of "with." I mean "with" in the
15 physical sense could mean that they're -- that they're
16 together.

17 But it also has this definition that
18 they're moving in the same direction. I think that's
19 important in understanding the system too, because
20 that's also present in the specification for the '250
21 patent.

22 MR. MESSICK: Can we scroll back up to

1 paragraph 76. It should be two pages up, I think.

2 THE TECHNICIAN: Yep.

3 BY MR. MESSICK:

4 Q. We're looking at page 36 of Exhibit 2016.

5 A. Okay. I see paragraph 76.

6 Q. Do you see that sentence that begins on the
7 fourth line? It reads: Therefore, the pivotal
8 movement of the pivotal mount and the mouthpiece is
9 the same, i.e., the movement of both elements occurs
10 together about the same claimed pivotal axis defined
11 by two joints at which the pivotal mount is coupled to
12 the cap assembly base.

13 A. I see that.

14 Q. Is your construction of "with" predicated on
15 your conclusion that the two limitations refer to the
16 same pivotal movement?

17 A. I don't think I understand your question.
18 Could you state that again?

19 Q. In paragraph 76, you conclude the two
20 limitations of Claim 1 of the '250 patent refer to the
21 same pivotal movement; correct?

22 A. I agree with that, yes.

1 Q. Is your construction of "with" predicated on
2 your conclusion that these two limitations refer to
3 the same pivotal movement?

4 A. Well, it would help to -- to look at that
5 particular claim limitation. So if I scroll up, I can
6 find that pretty quickly in this declaration.

7 I was looking for the claims. This would
8 be in the description of the patent. I went right
9 past it.

10 They're up higher. Sorry.

11 All right. I'm going to go to the table
12 of contents. Okay. Well, it doesn't appear that it's
13 summarized here. So in that instance, I would have to
14 pull up the patent.

15 But to answer your question, the analysis
16 of the term "with" is understood in part based on its
17 usage in the limitation. It's talking about the
18 motion of the mouthpiece with the pivotal mount. In
19 other words, the mouthpiece doesn't move independent
20 to the pivotal mount; it moves together with the
21 pivotal mount. That's my understanding.

22 And so, you know, my understanding of that

1 word is based in part on its context and how it's used
2 here in this limitation.

3 Q. Can you scroll down to paragraph 133? It's
4 on page 81 -- sorry, page 82 of the PDF.

5 A. You said paragraph 133?

6 Q. Yes, sir.

7 A. Okay. And I'm looking at my opinion for
8 Ribarits. Okay. 133.

9 Q. This is a patentability section, right?

10 A. Correct.

11 All right. I'm ready.

12 Q. Actually, if you scroll down one more page.

13 Is it your opinion that the plain and
14 ordinary meaning of "disposed on" requires the
15 mouthpiece to be --

16 THE COURT REPORTER: I'm sorry, Counsel,
17 you cut out. I didn't hear the question.

18 MR. MESSICK: I apologize.

19 BY MR. MESSICK:

20 Q. Is it your opinion that the plain and
21 ordinary meaning of "disposed on" requires the
22 mouthpiece to be disposed on a surface of the pivotal

1 mount?

2 A. Well, you're using "deposed on" to define
3 "deposed on" there. So it doesn't really make sense
4 to me.

5 What I understand and how I understand the
6 claim limitation "disposed on" is based on the
7 examples and the specification of the '250 patent; in
8 which case, I see the mouthpiece that is engaged to
9 the outside surfaces of the pivot mount in a variety
10 of different embodiments, sure.

11 But "disposed on," what I have also
12 observed when analyzing this particular Ribarits prior
13 art reference is that, in my view, this mouthpiece is
14 not disposed on because it is inserted in; and that's
15 distinct in my view.

16 Q. Is it your opinion that the plain and
17 ordinary meaning of "disposed on" requires the
18 mouthpiece to be located on another element such as
19 the pivotal mount?

20 A. Well, the term "disposed on" is a claim term
21 within a limitation which describes the mouthpiece in
22 Claims 7 -- independent Claim 7 and 13 at least, as

1 being on rather than inside of or enclosed by. It's a
2 different location on the pivot mount based on what
3 one of ordinary skill would understand based on the
4 '250 spec.

5 Q. And that's based on your distinction of the
6 '250 embodiments and the Ribarits embodiment?

7 A. Well, again, I'm responding here to
8 Dr. Vallee's assertion that the so-called or -- or
9 what he identifies as a mouthpiece is, in his view,
10 disposed on what he identifies as a pivot mount. I
11 disagree.

12 Q. Look at that second sentence of this
13 paragraph. It says: The '250 specification describes
14 several embodiments of the drink bottle having a cap
15 assembly with a pivotal mount and mouthpiece, and in
16 each of these embodies, the mouthpiece is attached on
17 the end of the pivotal mount, such as the mouthpiece
18 and the pivotal mount together shown about the axis
19 106; that it includes Figures 6 and 7 from the '250
20 patent; correct?

21 A. I see that, and I agree that that is what
22 supports what I'm talking about that is attached on

1 the end of the pivotal mount as shown in Figures 6 and
2 7 and also elsewhere.

3 Q. How did you determine that the mouthpiece is
4 attached on the end of the pivotal mount in Figures 6
5 and 7.

6 A. Well, I mean, the word "attached mouthpiece"
7 is used in the spec, for example. In the next
8 paragraph, 134, I cite to column 16, lines 56 through
9 58.

10 And also just based on the fact that the
11 mouthpiece is described in other places as attached or
12 removably attached in a way that it's understood that
13 it stays in place unless it's removed for cleaning,
14 for example. But it's intended to stay mounted to
15 that pivot mount during use and storage.

16 Q. I'm asking specifically about Figures 6
17 and 7. How did you determine those mouthpieces are
18 attached to the pivotal mount in those embodiments?

19 A. Well, my opinion is based on review of the
20 specification, and I would direct us to the
21 specification in the written spec for Figures 6 and 7
22 in which that understanding is conveyed.

1 Q. Is the phrase "disposed on" used in the
2 detailed description?

3 A. My recollection is that it's used in the
4 claims. I don't recall a specific instance of
5 "disposed on" being used in the spec. But my
6 understanding of that claim term is informed by the
7 spec.

8 Q. Well, I'm asking about the detailed
9 description, not the claims.

10 (Parties speaking simultaneously.)

11 THE WITNESS: Again, I don't recall that
12 term being used. If there's a particular instance of
13 it being used that you would like to discuss, I'm
14 happy to discuss it.

15 BY MR. MESSICK:

16 Q. In your declaration, you analyze the
17 unpatentability of the '250 claims under patent
18 owner's claim constructions; correct?

19 A. I've been instructed to apply the claim
20 constructions -- well, I described this in some
21 detail. I think it depends a little bit on which one
22 we're looking at.

1 So to answer that question, I'm going to
2 have to refresh my memory here and look back to the
3 Claim Construction section.

4 Q. Sure.

5 A. If you want to just go to the top.

6 Q. It begins on page 25.

7 A. Yeah.

8 Q. My question was not about your claim
9 constructions. It was just about your patentability
10 opinions.

11 A. Maybe that's why I'm confused. Could you
12 repeat that question for me?

13 Q. Sure. In your declaration, you analyze the
14 unpatentability of the '250 claims under patent
15 owner's claim constructions; correct?

16 A. To the extent that the patent owner's claim
17 constructions are consistent with what the board has
18 construed, I think that the board's agreed with the
19 patent owner's construction of mouthpiece, for
20 example, and certain elements of rotation as a proper
21 description for pivotal motion.

22 So what I'm applying is consistent with

1 and is the patent owner's proffered claim
2 construction. I'm not using a different construction,
3 if that's what you're getting at.

4 Q. That was my next question. You don't analyze
5 the unpatentability of the '250 claims under the plain
6 and ordinary meaning applied by the petition; correct?

7 MR. MUDD: Object to the form.

8 THE WITNESS: While there's a variety of
9 claims, I've only evaluated a subset of the particular
10 limitations that have been evaluated by Dr. Vallee,
11 for example, and those are present here in this
12 declaration.

13 So here I'm citing to the claim
14 constructions that I've outlined in this declaration,
15 and I'm applying those in my analysis when responding
16 to Dr. Vallee's unpatentability opinions.

17 Q. You applied Dr. Vallee's claim constructions
18 in your patentability analysis?

19 A. No, that's not what I said. I said that I --
20 that I'm applying -- I mean, Dr. Vallee has not put
21 forth a specific claim construction for any of these
22 terms to my knowledge.

1 What I'm doing is applying the
2 constructions that have been put forth in the claim
3 construction section of this document, and that's
4 consistent with my understanding. And I've not
5 deviated from that understanding that I can recall
6 anywhere here.

7 Q. You'd agree the petition applied a different
8 claim construction than you advocate for; correct?

9 A. Is there a specific claim construction that
10 you're referring to?

11 Q. Your declaration criticizes the petition's
12 analysis of the scope of certain claim terms; correct?

13 A. Could you be more specific?

14 I think I asked a question. I don't know
15 if I heard a response. I was asking if you could be
16 more specific.

17 THE STENOGRAPHER: I'm sorry, Mr. Messick.
18 You just said that; right?

19 MR. MESSICK: No, Mr. Jobin said that.

20 THE WITNESS: Right. So I'm -- perhaps
21 I'm not understanding your question. I'm saying maybe
22 you could repeat it. Then I would know what to

1 answer. But I'm not able to answer at the moment
2 unless I understand the scope of your question.

3 BY MR. MESSICK:

4 Q. Can you go to page 57 of the PDF?

5 A. All right. I'm showing page 57.

6 Q. Just scroll down to bottom, because I'm
7 looking at the bottom that rolls onto 58.

8 A. Got it.

9 Q. Did you analyze unpatentability of Claims 1,
10 7, and 13 where pivotal does not require the
11 mouthpiece to maintain a constant distance radius?

12 A. Well, I'm not sure how you're characterizing
13 that; whether that characterization is intended to
14 summarize Dr. Vallee's position that I'm responding
15 to. My opinion is different.

16 Q. Yeah. Well, let's look at paragraph 101. It
17 says: I was also asked to apply patent owner's --
18 well, express claim constructions set forth in
19 Sections VI.B and VI.C above and offer my opinions.

20 Do you see that?

21 A. I see that.

22 Q. Okay. So is your unpatentability analysis of

1 ground one predicated on pivotal -- sorry, strike
2 that.

3 Is your unpatentability analysis here in
4 this section predicated on the board applying the
5 claim constructions you set forth above?

6 A. Well, it's my understanding based on my
7 reading of the board's written opinion is that they
8 agree with the construction of pivotal motion that was
9 put forth by patent owner in the case.

10 So I'm applying that express construction,
11 which essentially substitutes the term "rotational
12 motion" for "pivotal motion" to clarify that those are
13 the same but to provide more clarity on what the scope
14 of that particular claim limitation means.

15 Q. You weren't asked to apply any other
16 constructions though; correct?

17 A. I've applied that particular construction
18 that's been put forth.

19 Q. You weren't asked to apply any construction
20 other than patent owner's constructions when analyzing
21 patentability; correct?

22 A. I'm just roaming back here to see what is in

1 the previous section. One moment.

2 Q. I'll scroll down too if you would like.

3 A. I mean, what I've done here in Section 1, for
4 example, where the mouthpiece has a requirement of
5 pivotal movement is that I've -- I've evaluated that
6 term as required by the plain claim language. So I'm
7 saying the plain claim language requires a pivotal
8 axis.

9 And then when I'm going down further here,
10 in the section we just discussed, I'm applying the --
11 the express language which is the claim construction,
12 which clarifies and reinforces my understanding.

13 My analysis and my conclusions are the
14 same because those -- those -- it doesn't -- it
15 doesn't deviate. My understanding and my conclusions
16 here as I recall are the same. They're described in
17 great detail here.

18 MR. MESSICK: Now is probably a good time
19 for a break. Does that sound good to you, Mr. Jobin?

20 THE WITNESS: That would be fine.

21 (Off the record.)

22 (Short recess taken.)

1 BY MR. MESSICK:

2 Q. Did you speak with anybody during the break,
3 Mr. Jobin?

4 A. No.

5 MR. MESSICK: Can we pull up Exhibit 1001,
6 please, Kollin.

7 THE TECHNICIAN: Yes, sir. Give me one
8 second.

9 (Exhibit 1001, previously marked, referenced.)

10 THE TECHNICIAN: And, Mr. Jobin, I'm going
11 to pass control over to you.

12 BY MR. MESSICK:

13 Q. Do you recognize Exhibit 1001 as the '250
14 patent we've been discussing, Mr. Jobin?

15 A. Yes.

16 Q. If you could scroll down for me to page 6 --
17 5 for me of the PDF. Sorry. It might be a little
18 easier to zoom out because I'm looking at the Figure 5
19 down there in the bottom right. I think Zoom is in
20 the middle next to the little -- yeah, there you go.
21 Perfect.

22 A. All right. You're looking at Figure 5.

1 Q. Yes, sir, page 5 of the '250 patent looking
2 at Figure 5. In Figure 5, the mouthpiece, 72, is
3 coupled directly to the lid; correct?

4 A. I don't recall analyzing Figure 5 in my
5 declaration. But in this case, it appears to be a
6 non-pivoting embodiment in which the mouthpiece is
7 connected directly to a feature of the lid.

8 Q. So there's no pivotal mount in Figure 5;
9 correct?

10 A. I mean, that would be my understanding. I
11 haven't evaluated this in great detail since it wasn't
12 relevant to the claims. But that would be my
13 understanding.

14 Q. Does Figure 5 fall within the scope of the
15 claims of the '250 patent?

16 A. I have not evaluated that question.
17 Certainly the independent claims require a pivot
18 mount. This does not appear to have one, at least in
19 this view.

20 Q. Without a pivotal mount, Figure 5 would not
21 fall within the scope of the claims of the '250
22 patent; correct?

1 A. If we go down to Claim 1 real quick.

2 Q. I believe it's on the page above.

3 A. Yeah. I mean, there's --

4 Q. Let's --

5 (Parties speaking simultaneously.)

6 THE WITNESS: Again, I haven't evaluated
7 this in detail. But I can say that there are a
8 several limitations of Claim 1, for example, which is
9 representative here that require on/off valve, that
10 require a pivotal mount.

11 So that particular embodiment would not
12 appear to be covered by this claim, but I mean, this
13 claim is what I'm evaluating. I'm not evaluating that
14 particular embodiment when I'm looking at
15 patentability issues.

16 BY MR. MESSICK:

17 Q. Okay. Can you go back up to page 6 for me.
18 I just want to look at a couple of other figures.

19 A. Okay.

20 Q. Figures 6 through 8 on page 6 of the '250
21 patent show examples of a mouthpiece in a pivotal
22 mount; correct?

1 A. Well, I've cited and understand Figures 6 and
2 7 to be pivotal mounts. I don't recall that Figures 8
3 and 9 have that feature. Well, it's not clear. I'd
4 have to look at the text from Figure 9 to -- to state
5 for sure.

6 Give me one moment, please.

7 Q. I was just asking -- let's simplify this a
8 little bit. I'm just looking at Figures 6 and 7.

9 A. Oh. Well, if you're just looking at Figures
10 6 and 7, I know for certain that those depict pivotal
11 mounts.

12 Q. In Figures 6 and 7, the mouthpiece does not
13 mean fixed orientation relative to the lid; correct?

14 A. Well, the point of the pivotal mount is that
15 orientation relative to the lid is variable according
16 to the user's preference. Of course, there are limits
17 of its range of motion. There's a stowed position
18 within the lid as shown in Figure 6; and then the
19 primary, I guess I would call it, use position in
20 which it's presented at an angle to the user.

21 The specification describes that it could
22 be used in various intermediate positions as well.

1 Q. Do the lips -- sorry.

2 Do the user's lips contact the mouthpiece
3 in Figure 6 during use?

4 A. It's my understanding that to aspirate liquid
5 from the bottle with this particular embodiment, your
6 lips would wrap around the mouthpiece in order to suck
7 the liquid out.

8 Q. Does the user's tongue contact the mouthpiece
9 in Figure 6 during use?

10 A. Not something that is described. It doesn't
11 make sense it would. I mean, your -- you don't want
12 to block the orifice, for example. So I would say no.

13 Q. Do the user's teeth contact the mouthpiece in
14 Figure 6 through use?

15 A. They could. The particular embodiment here,
16 as I recall, was not one of the bite-actuated valves.
17 So it's not necessarily designed to be manipulated
18 with the teeth, but certainly the lips and the teeth
19 are in close proximity to one another and it makes
20 sense that that tooth could contact here, yes.

21 Q. If tooth contact could occur, you would agree
22 that tongue contact could occur --

1 A. It could occur. But the question is, what is
2 the person doing when they're applying their -- when
3 they're inserting this mouthpiece into their mouth?
4 They're wrapping the lips around it in order to create
5 a negative pressure which would cause liquid to be
6 drawn up through the straw and into the mouth.

7 So to do that, you have to have lip
8 contact. That's what I would understand. If there's
9 incidental tooth contact, I don't think it makes a
10 difference here. But no, I wouldn't want the tongue
11 in the way of the fluid opening.

12 Q. So if a user, you know, wants to avoid that
13 tongue contact with the fluid opening, like you're
14 saying, they might keep their tongue on the bottom of
15 their mouth. Is that fair?

16 A. Well, that's where it normally resides. So I
17 don't think it's a big stretch.

18 Q. So in that position, at the bottom of the
19 user's mouth, would the tongue contact the outside
20 surface of the mouthpiece in Figure 6 during use?

21 A. Again, the tongue is not something that's
22 discussed here in the specification to my

1 recollection. They talk about the mouth. They talk
2 about the teeth applying a force to bite-actuated
3 valves, but the tongue is not mentioned.

4 Q. This embodiment is not a bite-actuated
5 mouthpiece; correct?

6 A. Not that I recall. But there's no functional
7 reason for the tongue to be in contact, and in general
8 use it wouldn't be.

9 Q. How can you tell the lips would contact the
10 embodiment -- strike that.

11 How can you tell the lips would contact
12 the mouthpiece in Figure 6 during use?

13 A. Well, one of ordinary skill in the mouth --
14 one of ordinary skill in the art understands the
15 functionality of a mouthpiece to insert into the
16 mouth.

17 In this particular application, of course,
18 it's for withdrawing liquid from a bottle. To
19 effectively create a negative pressure at the orifice
20 with the mouth, you have to create a seal around the
21 perimeter of the mouthpiece with your lips. That's
22 how a straw works. That's how this particular

1 mouthpiece would work.

2 Q. How is the mouthpiece in Figures 6 and 7
3 coupled to --

4 THE STENOGRAPHER: I'm sorry, I didn't
5 hear the question.

6 MR. MESSICK: Apologies.

7 BY MR. MESSICK:

8 Q. How is the mouthpiece in Figures 6 and 7
9 coupled to the pivotal mount?

10 A. One moment, please. I'm going to go to the
11 description for Figures 6 and 7.

12 Q. I believe it's in column 7 on page 16. Go
13 up.

14 A. You said column 7?

15 Q. Yes, sir. Couple pages up. Page 16 of the
16 PDF.

17 A. Copy.

18 So, for example, here we're talking about
19 Figure 7. It talks about a couple of different ways
20 that the mouthpiece might be attached here. They seem
21 to focus on --

22 Q. Let me just --

1 A. -- the bottom of column 7. Right around
2 lines 63 to the end, it talks about a non-removably or
3 permanently secured mouthpiece. But in many
4 embodiments, it says it may be desirable for the
5 mouthpiece to be removably connected to the cap
6 assembly such as to permit the mouthpiece to be
7 repeatedly removed for cleaning or replacement and
8 thereafter recoupled.

9 They don't go into specific detail in this
10 embodiment as to how that would occur, but one of
11 ordinary skill in the art would understand that such a
12 method could be an interference -- a friction fit. It
13 would slide over with some force, and the resilience
14 of the material would expand slightly to accommodate
15 the pivot mount. That would be one approach.

16 And then in other embodiments, they
17 illustrate various detent features, for example, which
18 would help to retain the mouthpiece to the pivot
19 mount.

20 Q. Going back to my original question: How are
21 the mouthpieces in Figures 6 and 7 coupled to the
22 pivotal mount?

1 A. Oh, they don't disclose a particular method.
2 They leave that to the person of ordinary skill in the
3 art. But they do provide hints in the previously
4 cited column 6 -- I'm sorry 7, starting at line 63
5 where they talk about various means of securing the
6 mouthpiece.

7 And they talk about permanent, which I
8 assume would be some type of two-shot molding or some
9 type of adhesive-type of a solution, although that
10 wouldn't be common necessarily in a food or beverage
11 application.

12 But I believe that based on other
13 embodiments and based on my understanding of how this
14 would be constructed that a friction fit in which the
15 mouthpiece is forced over the outside diameter of the
16 pivot mount would be the likely construction.

17 Q. And that's based on your review of Figures 6
18 and 7; correct?

19 A. It's based on my review of Figures 6 and 7 in
20 the context of and my understanding of the rest of the
21 specification in terms of how these are applied. And
22 it's also what one of ordinary skill in the art would

1 know based on just general knowledge in the industry.

2 Q. Can you scroll back up to we're going to --
3 I'm going to look at Figures 12 and 14. That's page 7
4 of the PDF of Exhibit 101 -- or sorry, 1001.

5 A. All right. We're on page 7. Which figures
6 were you looking at again?

7 Q. We're looking at Figures 12 and 14, the
8 bottom two on the left.

9 A. Okay.

10 Q. Looking at 13 and 14.

11 A. Yep.

12 Q. Sorry. Were you going to say something?

13 A. No, just go ahead.

14 Q. Do the user's lips contact the mouthpiece in
15 Figures 12, 13, 14, and 15 during use?

16 A. Well, it's certainly my understanding that
17 they do, yes.

18 Q. Does the user's tongue contact the mouthpiece
19 in Figures 12 through 15 during use?

20 A. Not to my understanding.

21 Q. And that's based on your assumption that the
22 user would hold their tongue away from the mouthpiece

1 throughout use?

2 A. Well, what I've previously described is that
3 when one is sucking liquid out of a bottle, using this
4 type of a mouthpiece -- this is a bite-actuated
5 mouthpiece, so the teeth, or a combination of teeth
6 and lips, would compress the -- and distort the slit
7 opening so that it would create a large enough opening
8 for fluid to be withdrawn.

9 The tongue would interfere with that if it
10 was in that area. So it's not something that I would
11 consider as being in contact with the mouthpiece.
12 Again, whether there's incidental contact along the
13 side, I don't think that's necessarily a problem, as
14 long as it's not blocking the flow of the fluid.

15 But the primary understanding based on
16 what I know, based on what a person of ordinary skill
17 would understand, is that the teeth and the lips
18 cooperate to actuate the valve, opening the flow
19 channel, and then fluid is withdrawn.

20 Q. During use of the mouthpiece in Figures 12
21 through 15, a user's tongue could incidentally contact
22 the side of the mouthpiece; correct?

1 A. I think especially in the case where the
2 mouthpiece is long enough and it's inserted into the
3 mouth, it could certainly contact it. But it doesn't
4 affect -- unless it's blocking the flow, it doesn't
5 have any impact on the function.

6 The function of this particular embodiment
7 requires that the teeth and/or the lips in cooperation
8 with the teeth compress the valve enough to open or
9 distort the slit to create an opening, and then fluid
10 can be withdrawn.

11 Simultaneous to that, you're forming a
12 seal around the mouthpiece. And so it's shaped to
13 facilitate that, so that you can suck the fluid out.

14 Q. Can the mouthpiece in Figures 12 through 15
15 be coupled through pivotal mount?

16 A. Well, the mouthpiece in Figures 12 through
17 15, or something similar to it, is shown in an earlier
18 embodiment. For example, Figure 2 shows a mouthpiece
19 coupled to a pivot mount, and that looks very similar
20 to what I see in Figure 10.

21 Q. How can you tell the mouthpiece in Figures 1
22 and 2 -- well -- strike that.

1 Well, how can you tell the mouthpiece --
2 THE COURT REPORTER: I'm sorry, Counsel,
3 you cut out.

4 MR. MESSICK: Sorry about that.
5 BY MR. MESSICK:

6 Q. How can you tell the mouthpiece in Figures 1
7 and 2 is coupled to the pivotal mount?

8 A. Well, once, again, my understanding of how
9 this works is informed and a person of ordinary skill
10 would be informed by their general knowledge of how
11 these times of things are assembled, but also by --
12 and primarily by the specification.

13 So what one does when one reads the spec
14 is to go to the description for Figures 1 and 2 and
15 see what it has to say. And so by just doing that
16 here, we can see what it says about how that is
17 configured.

18 Q. Yeah, I can go ahead and tell you that if you
19 look at the top of column 3, I believe it describes
20 the coupling -- or at least you've cited that as
21 disclosing the couplings?

22 A. Right.

1 Q. I think those lines, particularly that
2 sentence beginning in line 4 of column 3, merely
3 states that the cap assembly is adapted to be coupled
4 to the fluid container; so it's referring to the cap
5 assembly based on the fluid container; correct?

6 A. Yes. But later it says: A bite-actuated
7 mouthpiece or valve assembly --

8 Q. I was just asking about the first part of
9 that sentence.

10 A. Oh, okay. So you're talking about how the --
11 I mean, my understanding was you were talking about
12 how the mouthpiece is coupled to the pivot mount, not
13 how the pivot mount is coupled to the lid assembly.

14 Q. I'm just asking about this sentence. I'm
15 just trying to break it down a little bit.

16 A. Okay. So if we evaluate this sentence, it's
17 talking about in column 3, lines 4 through 10, it's
18 talking about: Drink bottles according to the present
19 disclosure will typically include: Cap assembly with
20 a base that's adapted to be coupled to the fluid
21 container. So that's the whole assembly that unscrews
22 from the bottle, if you will.

1 And then they're talking about that it has
2 a bite-actuated mouthpiece. So this is just an
3 introduction to Figures 1 and 2, but they're described
4 in more detail later.

5 Q. You would agree the sentence is just saying
6 that the cap assembly base is capable of being coupled
7 to the mouthpiece; correct?

8 A. What it's saying here is that the cap
9 assembly has a base that is adapted to be coupled to
10 the fluid container. That's different from the
11 coupling of the mouthpiece or the pivot mouth to the
12 lid assembly --

13 Q. The --

14 A. -- on the whole assembly being attached to
15 the bottle.

16 Q. Well, the sentence goes on to say that the
17 cap assembly base is adapted to be coupled to fluid
18 container and a bite-actuated mouthpiece or valve
19 assembly; correct?

20 A. That's true. It does say that.

21 So you've got this cap assembly, and it's
22 got -- it's coupled to a fluid container on one side,

1 and then it's got attached to it this mouthpiece.

2 Q. So the sentence is just saying that the cap
3 assembly base is capable of being coupled to the
4 mouthpiece; right?

5 A. It does say that in addition to other things,
6 but it does say that, yes.

7 Q. Okay. So going back to Figures 1 and 2. How
8 can you tell that the mouthpiece is coupled to the
9 pivotal mount?

10 A. Well, I'm just going through the detailed
11 description. I'm sure I've cited to something. But
12 the notion of this is understood by and informed by
13 various embodiments that are shown in which its
14 cross-sectional views, for example, are provided, and
15 they help to clarify how this thing goes together.

16 So what I do is, say, let's look for a
17 moment at -- let me see if they provide that section
18 view here. They don't. But later they provide a
19 section view in, for example, Figures 17 and 18 in
20 which you can see the mouthpiece in context with the
21 pivot mount and those two different cross-hatchings in
22 Figures 17 through 20, as shown on the screen here,

1 illustrate how that mouthpiece is attached to.

2 Here again, it likes to be some type of
3 friction fit. I looked to other examples as well. I
4 recall, you know, here they're getting into the
5 details of how this assembly -- this lid assembly
6 resembles what is disclosed in Figures 1 and 2, for
7 example, if I'm looking at Figure 25, the exploded
8 view.

9 But then I can go to Figure 26, which is a
10 cross-sectional view of that assembly, which has all
11 the characteristics of Figure 1, and you can see the
12 mouthpiece, and you can see how that it is wrapping
13 around the pivot mount in a way that it is attached to
14 that pivot mount. You can see various features which
15 would inform one of ordinary skill in the art how that
16 attachment occurs.

17 Q. You just pointed to a bunch --

18 THE COURT REPORTER: I'm sorry, Counsel, I
19 didn't hear you.

20 BY MR. MESSICK:

21 Q. I said, see, you just pointed to a bunch of
22 different embodiments that I didn't ask about.

1 But I'm asking specific to Figures 1 and
2 2, how can you tell that the pivotal mount is coupled
3 to the mouthpiece?

4 A. Because that's what one would understand.
5 One of ordinary skill understands that when you have
6 this assembly of a pivot mount and a mouthpiece --
7 that's talked about in the description for Figures 1
8 and 2 -- and it's functional when it's in the open
9 position. It presents the mouthpiece. It holds the
10 mouthpiece. It moves together with the mouthpiece.

11 You know, that's just what I understand,
12 and one of ordinary skill would understand when
13 looking at these figures and the descriptions therein.

14 Q. So based on the fact that the mouthpiece
15 moves with the pivotal mount between the stowed
16 position in Figure 1 and the open position in Figure
17 2, you're concluding that the mouthpiece is coupled to
18 the pivotal mount; correct?

19 A. Well, that's part of my analysis. But what
20 I've also done is gone to the descriptions for these
21 Figures, and I can read through them and provide
22 various details. But the sectional views also inform

1 an understanding of some of the details for how that
2 is configured.

3 There's different embodiments, but they're
4 all directed towards the same notion; which is that
5 you have this mouthpiece attached to a pivoting mount,
6 with one or two exceptions where it's attached
7 directly to the cap. But overall, the specification,
8 including figures and the written spec, inform that
9 opinion.

10 MR. MESSICK: Can we pull 2016 back up,
11 Kollin.

12 THE TECHNICIAN: Yes, sir. It's right
13 here for you.

14 MR. MESSICK: Thank you.

15 BY MR. MESSICK:

16 Q. I'd like to go to page 51 of the PDF, please,
17 looking at paragraph 92.

18 A. Okay.

19 Q. Actually, I apologize. One more page down,
20 the bottom of page 52 at the PDF or 51 of the
21 declaration looking at paragraph 94 and the figures
22 above it in paragraph 93.

1 A. There you go.

2 Q. In the figures in paragraph 93, we see the
3 pivotal mount of Nakajima -- I'm sorry, strike that.

4 In the figures above, in paragraph 93 we
5 see the pivotal mount has been mapped to the lid 4 and
6 the arms 23 of Nakajima; correct?

7 A. This particular mapping is derived from
8 Dr. Vallee's analysis. And it's my understanding that
9 what he's colored in pink in the left-hand view is
10 what he considers to be the pivotal mount.

11 Q. And the mouthpiece 2 of Nakajima shown in
12 green has been mapped to the mouthpiece in the claims;
13 correct?

14 MR. MUDD: Object to the form and object
15 to the extent it mischaracterizes the document.

16 THE WITNESS: The part is not labeled here
17 as mouthpiece, but in green there is what Dr. Vallee
18 has asserted is and has mapped to the mouthpiece.

19 There are other views in which that's
20 shown in sectional view, which helps to clarify what
21 the extent of that includes. But that is my
22 understanding of what Dr. Vallee has identified as a

1 mouthpiece.

2 BY MR. MESSICK:

3 Q. So you understand that if I'm referring to
4 the pivotal mount of Nakajima, I'm referring to the
5 lid and the arms; correct?

6 A. I understand that.

7 Q. If I'm referring to the mouthpiece, I'm
8 talking about that mouthpiece 2 shown in green?

9 MR. MUDD: Object to the form. Object
10 that it mischaracterizes Nakajima.

11 THE WITNESS: Once again, the -- Nakajima
12 describes it differently from the way that Dr. Vallee
13 has mapped it. So I'm aware of that distinction. And
14 as long as you clarify which you're talking about,
15 we'll be able to communicate I think.

16 BY MR. MESSICK:

17 Q. I'm asking purely for understanding purposes.

18 A. Okay. Could you then ask that again, and
19 I'll just make sure I heard it right.

20 MR. MUDD: Yeah, Counsel, we just want you
21 to be clear, whether you're asking about Dr. Vallee's
22 green mouthpiece or Nakajima's mouthpiece 2. That's

1 all.

2 BY MR. MESSICK:

3 Q. When I am referring to the mouthpiece, I'm
4 referring to the green mouthpiece shown in the figure
5 in paragraph 93.

6 A. Okay. So --

7 Q. You understand?

8 A. Okay. So I understand when you refer to the
9 mouthpiece when talking about this analysis, it's
10 Dr. Vallee's mouthpiece identification.

11 Q. Looking at the second sentence of paragraph
12 94, it reads: In particular, lid 4 pivots in a
13 clockwise direction about the axis defined by the
14 hinge shafts 19 when it opens.

15 You agree that Nakajima's lid 4 pivots in
16 a clockwise direction about the hinge shafts 19;
17 correct?

18 A. Yeah, and I cite that in the last sentence at
19 the bottom of page 51, paragraph 94 there. It says:
20 In particular, lid 4 pivots in a clockwise direction
21 about the axis defined by the hinge shafts 19.

22 I agree that that's the case.

1 Q. Nakajima's lid 4 maintains a constant radius
2 to the hinge shafts 19; correct?

3 A. Nakajima's lid 4 engages in rotational motion
4 about the axis defined by the projections 19, the
5 hinge shafts, in my view. I should clarify that it
6 moves in a clockwise direction when viewed from the
7 aspect shown in the figures.

8 Q. Do you agree that Nakajima's lid 4 maintains
9 a constant radius as it rotates in a clockwise
10 direction about hinge shafts 19; correct?

11 A. The features of Nakajima's lid 4, each of the
12 features of that lid, which just include -- which do
13 not include the additional aspects identified by
14 Dr. Vallee, I should clarify.

15 But lid 4 of Nakajima does engage in
16 rotational or pivotal motion in my view. All of the
17 components within that lid move in a circular path
18 about that axis.

19 Q. Nakajima's lid 4 is sufficiently rigid to
20 qualify as a rigid body; correct?

21 A. It's my view that it -- for the purposes
22 of analyzing its motion, using the classical physics

1 definition of rotational motion, that is a rigid body,
2 yes.

3 Q. The green mouthpiece shown in the figure
4 above, in paragraph 93, is disposed on the arms 23;
5 correct?

6 MR. MUDD: Object to the form.

7 THE WITNESS: I don't characterize it as
8 being disposed on. Dr. Vallee has identified a
9 singular part that has two different claim limitations
10 identified, different parts of it. It's not clear
11 exactly where the line is drawn, although he's shown
12 it in section view, which gives us some notion.

13 But I have not formed the opinion that Dr.
14 Vallee's mouthpiece so identified in green is disposed
15 on those arms. That's not how I've characterized it.

16 BY MR. MESSICK:

17 Q. You agree that the green mouthpiece is
18 coupled to the arms then; correct?

19 MR. MUDD: Object to the form.

20 THE WITNESS: Well, first of all, I
21 haven't agreed that that meets the definition of
22 mouthpiece, is what I recall. I'd have to go back and

1 look at my opinion in detail. But --

2 BY MR. MESSICK:

3 Q. You can do that.

4 A. Let me just review it real quick.

5 What my opinion stated was that it doesn't
6 have a mouthpiece that satisfies the requirement of
7 pivotal movement with the pivotal mount.

8 My analysis was focused on the movement of
9 the feature that Dr. Vallee identifies as a
10 mouthpiece. That's what I was trying to clarify.

11 Q. So you agree that that green mouthpiece is a
12 mouthpiece; correct?

13 A. Well, for the purposes of analyzing it here,
14 I'm stating that the mouthpiece doesn't meet this
15 claim limitation because it doesn't engage in pivotal
16 motion with the -- I should say more clearly, it
17 doesn't engage in pivotal movement with pivotal mount.
18 That's --

19 Q. But your opinion that the mouthpiece of
20 Nakajima does not meet -- the claim limitation is not
21 based on your construction of mouthpiece; correct?

22 A. Yeah, I don't recall that I've -- that I've

1 put -- that I've denied that -- that that is
2 legitimately a mouthpiece or not. I don't really
3 opine on that.

4 What I've done is I've analyzed it in the
5 larger context of that claim limitation. And that's
6 focusing on whether or not it engages in rotational
7 motion with the pivotal mount.

8 Q. Scroll back down to the intersection of pages
9 51 and 52.

10 A. Okay.

11 Q. Okay. Looking at -- well, scroll down a
12 little bit further, apologies. On to page 52, you can
13 scroll down the bottom half. Scroll up just a little
14 bit. I'm so sorry.

15 A. No worries.

16 Q. Perfect.

17 Just looking at that last sentence, it
18 reads: To the extent the alleged mouthpiece exhibits
19 pivotal movement, it only pivots about a different
20 axis; one defined by protrusions rotating in holes
21 22 --

22 THE STENOGRAPHER: I'm sorry, Counsel, I

1 lost you.

2 MR. MESSICK: Absolutely. I'm sorry --

3 THE STENOGRAPHER: "It only pivots about a
4 different axis; one to...?"

5 BY MR. MESSICK:

6 Q. One defined by protrusions 24 rotating in
7 holes 22, not the alleged pivotal axis defined by the
8 hinge shafts 19.

9 A. Right. That's what I stated, and I agree
10 with that opinion.

11 Q. The green mouthpiece of Nakajima pivots with
12 the arms 23 about protrusions 24; correct?

13 A. It's my view that to the extent that
14 mouthpiece does pivot, it pivots about that different
15 axis, which is defined by and shown in the figure
16 below there in red. That that pivot axis is different
17 from the pivot axis for the Nakajima lid 4, which I
18 identify as the correct axis for this particular
19 limitation.

20 Q. Nakajima's mouthpiece -- sorry, strike that.

21 The green mouthpiece maintains a constant
22 radius from protrusions 24, which you've defined as

1 the second pivot axis; correct?

2 A. It's my view that the mouthpiece in green
3 does engage in pivotal motion or rotational motion
4 around that axis defined by the protrusions 24. And
5 that they -- the features of the green lid do maintain
6 a constant radius from that axis.

7 Q. The green mouthpiece is sufficiently rigid to
8 qualify as a rigid body for rotation relative to the
9 protrusions; correct?

10 A. I haven't stated otherwise. I'm assuming
11 that it does in this case, yes.

12 Q. Do the arms 23 pivot about the hinge shafts
13 19?

14 MR. MUDD: Object to the form.

15 THE WITNESS: Could you repeat that
16 question? I couldn't see the numbers when you were
17 talking.

18 BY MR. MESSICK:

19 Q. Yes, sir.

20 Do the arms 23, just kind of hidden under
21 your annotation there, pivot about the hinge shafts
22 19?

1 MR. MUDD: Same objection.

2 THE WITNESS: The arms themselves do not
3 pivot around 19. The only portion of that which may
4 be arguable is the axis itself. The center of those
5 pins is in a particular relationship to the axis
6 defined by projections 19, but the rest of the arms,
7 you know, vary in their positions because they're
8 freely rotating during any motion of the pivot mount.

9 BY MR. MESSICK:

10 Q. So do protrusions 24 pivot about the hinge
11 shafts 19?

12 A. The protrusions 24 are different from the
13 axis that defines those protrusions. In my view,
14 those are rotating freely as they are -- as the pivot
15 mount is being opened and, therefore, do not meet
16 definition of "rotational motion" about 19.

17 Q. The point --

18 A. The axis itself arguably does.

19 Q. There's a point in each of the protrusions 24
20 where the axis intersects the protrusions; correct?

21 A. Right. The axis goes through the center of
22 those circular or barrel-shaped protrusions in my

1 view.

2 Q. So does that point on the protrusions where
3 the axis intersects the protrusions rotate about the
4 hinge shafts 19?

5 A. Well, again, you can zoom in on that and see
6 that as that system is moving, as it's pivoting, that
7 those arms are rotating about that axis, that first
8 axis defined by the pins 24.

9 So, no, it's just the axis itself, in my
10 view, that is potentially being viewed as engaging
11 rotational motion. The pivot arms themselves I'm not
12 seeing. But I've opined on the fact that the
13 mouthpiece itself certainly doesn't meet that
14 definition.

15 Q. If you could scroll back up actually. We'll
16 find a good figure for you.

17 Stay on that figure, it's fine. Or maybe
18 the figure on the page above, page 50.

19 Does the position of Nakajima's
20 mouthpiece, the green mouthpiece, change relative to
21 the lid from the -- the strike that.

22 Does the position of the green mouthpiece

1 change relative to the lid?

2 A. You're talking about the lid of Nakajima?

3 Q. Sorry. I mean the cap assembly base. I'll
4 ask it one more time.

5 Does the position of Nakajima's mouthpiece
6 change relative to the cap base?

7 A. The mouthpiece moves relative to the base,
8 but it doesn't engage in rotational motion relative to
9 the base -- to the cap assembly.

10 Q. Does the position of Nakajima's mouthpiece
11 change relative to the hinge shafts?

12 A. Could you clarify which hinge shafts?

13 Q. Does the position of Nakajima's mouthpiece
14 change relative to the hinge shafts 19?

15 A. Nakajima's mouthpiece is different from
16 Dr. Vallee's. Are you sure you're talking about
17 Nakajima's mouthpiece?

18 Q. Does the position of the green mouthpiece
19 change relative to the hinge shafts 19?

20 A. The position of the green mouthpiece does
21 change relative to the axis defined by the projections
22 19, but it does not engage in rotational motion about

1 that axis. It's what I defined as translation.

2 MR. MESSICK: If we could pull up the
3 patent owner response, please, Kollin. I don't
4 believe it's been marked as an exhibit.

5 THE TECHNICIAN: Yes, sir. Just one
6 second, and I'll pull it right up for us.

7 MR. MESSICK: How doing, Mr. Jobin. You
8 good? You need a break?

9 THE WITNESS: No problems on this side.

10 THE TECHNICIAN: It should be on your
11 screens now, Counsel.

12 MR. MESSICK: Okay.

13 BY MR. MESSICK:

14 Q. I'll just represent to you, Mr. Jobin, that
15 this is CamelBak's patent owner's response filed in
16 this IPR.

17 Could we scroll to page 29 of the PDF,
18 please. Do you recognize these figures on page 24 of
19 CamelBak's patent owner response, Mr. Jobin?

20 A. Well, these are figures that are annotated
21 based on figures from Ribarits. I recall these as
22 being present, at least in their colored form, for

1 example, in Dr. Vallee's declaration.

2 Here, they've been further annotated with
3 a red circle around the numbers, I believe.

4 Q. Do you understand when I refer to Ribarits's
5 mouthpiece, I'm referring to the end portion colored
6 green and labeled 2?

7 A. Well, I understand that Ribarits doesn't use
8 the term "mouthpiece" per se. When you're talking
9 about mouthpiece in reference to this figure, I assume
10 that you're going to be relying on Dr. Vallee's
11 identified feature or at least Trove's identified
12 mouthpiece. It's just illustrated in green.

13 Q. You agree that the green mouthpiece shown in
14 Figures 2 and 3 of Ribarits is part of the dispensing
15 outlet; correct?

16 MR. MUDD: Object to the form.

17 THE WITNESS: Well, I -- I don't
18 characterize the green part as a mouthpiece. I
19 disagree with that.

20 BY MR. MESSICK:

21 Q. You would agree that the part -- the green
22 part of Ribarits is part of the dispensing outlet;

1 correct?

2 A. Well, what I observed is that fluid passes
3 through that -- that conduit, which is identified in
4 Figure 3, and that there is a dispensing outlet or
5 opening at the end of that fluid conduit.

6 And I think that I've stated that. Of
7 course, this is not my document. This is the patent
8 owner's response, but it's consistent with my
9 understanding of this construction.

10 Q. When a user drinks from Ribarits's bottle,
11 fluid is dispensed through the green portion of the
12 fluid conduit; correct?

13 A. I agree that fluid is dispensed through the
14 conduit, through the green portion of the fluid of
15 that tube into the user's mouth. I agree that.

16 Q. You'd agree that the green portion of
17 the fluid conduit is part of the dispensing outlet;
18 correct?

19 THE COURT REPORTER: I'm sorry, Counsel.
20 I missed your question.

21 BY MR. MESSICK:

22 Q. You would agree that the green portion is

1 part of the dispensing outlet; correct?

2 A. It's my understanding that the dispensing
3 outlet is formed in the end of that portion that's
4 identified in green.

5 Q. Scroll down one page. Looking at the first
6 sentence of that second paragraph, it says: As shown
7 by the red arrows in the annotated versions of Figures
8 1 and 3 below, the opening green of the tubular
9 element 2 is flush with and does not extend beyond the
10 drinking spout 3.

11 Do you agree that the opening green is
12 flush with the end of the drinking spout 3, Mr. Jobin?

13 A. I'm not sure I understood that question. I
14 had some disruption here which caused me to miss
15 something. If you could give me one second, I've got
16 to close my door.

17 (Pause in proceedings.)

18 MR. MESSICK: Absolutely, take your time.

19 THE WITNESS: Sorry about that.

20 If you could repeat that question, I think
21 it will be best.

22 BY MR. MESSICK:

1 Q. Absolutely. Looking at that first paragraph
2 on page 24 of CamelBak's patent owner response, it
3 reads --

4 A. Page 24?

5 Q. Yes, sir. Page 25. Sorry. I misspoke.

6 A. Page 25 of their response. Okay. It's 30 --
7 page 30 of the PDF?

8 Q. Yes, sir.

9 A. Okay. We're in the right spot. Go ahead.

10 Q. [As read]: As shown by the red arrows in the
11 annotated versions of Figures 1 and 3 below, the
12 opening green of the tubular element is flush with and
13 does not extend beyond the drinking spout 3.

14 Do you agree with that characterization of
15 Ribarits, Mr. Jobin?

16 A. It's my understanding, and I agree with that,
17 that if we're looking at the figures that those words
18 are referring to, the red arrow points to and shows
19 that the end of the green -- what's been identified by
20 Dr. Vallee as the mouthpiece, does not extend beyond
21 the portion that's surrounding it. It's flush with
22 that end.

1 Q. The opening -- sorry. Strike that.

2 The green portion of the fluid conduit is
3 coterminous with the surface of the dispensing outlet
4 3; correct?

5 A. I don't recall -- when you say "coterminous,"
6 you mean the -- do you mean flush? That it is the
7 same plane, for example?

8 Q. So the green portion of the fluid conduit is
9 flush with the surface of the dispensing outlet 3;
10 correct?

11 A. Well, what I see in these two figures is in
12 the open position it is following that contour of the
13 dispensing outlet of that component. And then in the
14 closed position, it actually looks like it's sucked in
15 just a little bit, but it's never protruding beyond
16 that surface.

17 Q. The green portion of the fluid conduit
18 travels with the dispensing outlet as it moves from
19 this open position on the left to the closed position
20 on the right; correct?

21 A. Generally speaking, that's true. If you look
22 at next two figures where the pink and the yellow are

1 illustrated, you can see the drinking spout in the
2 open and closed positions. And then the green portion
3 inside that spout is in the same position in the open
4 and closed states. So it's moving with it, is my
5 view. And I think that's clear from the sectional
6 view as well.

7 MR. MESSICK: If we could go back to
8 Exhibit 2016, Mr. Jobin's declaration, please, Kollin.

9 THE TECHNICIAN: Yes, sir. Back to
10 Mr. Jobin's declaration.

11 THE WITNESS: Thank you.

12 BY MR. MESSICK:

13 Q. I like to scroll down to paragraph -- page 78
14 of the PDF, page 77 of your declaration.

15 A. I think we are there. Go ahead.

16 Q. Actually, just looking at bottom of that page
17 onto the following page, between pages 77 and 78.

18 Yep.

19 The sentence that begins on the last line
20 of page 77 reads: This portion of the tube element is
21 completely surrounded by a different component -- than
22 the drinking spout 3 -- meaning it is inaccessible to

1 the user's mouth.

2 A. I see that sentence.

3 Q. What does "inaccessible" mean?

4 A. Well, the mouth engages with the drinking
5 spout in this product, this Ribarits. It's
6 designed -- the drinking spout itself is inserted into
7 the mouth and comes into contact with the lips during
8 use.

9 My view has been that the portion of the
10 drinking tube identified as "mouthpiece" in green is
11 inaccessible to the mouth. You can't engage that
12 mouthpiece as it's been identified. Therefore, it
13 doesn't meet definition of "mouthpiece."

14 Q. "Inaccessible" means that the outer perimeter
15 of the green portion is inaccessible to the user's
16 mouth; correct?

17 A. Well, again, I'm looking at, what is the
18 mouth? The mouth is the opening in the -- you know,
19 opening between the lips that you insert the -- that
20 you would insert the mouthpiece. But the mouthpiece
21 has to be engaged by the mouth in order for it to be
22 usable as such.

1 Here, that's not possible because it's
2 inaccessible. You can't -- you can't get to it
3 because it's surrounded by another part.

4 Q. Is the distal surface of the mouthpiece
5 surrounded by the dispensing outlet?

6 A. The distal surface is visible in the figures,
7 but that's not accessible to the mouth. The mouth
8 engages drinking spout in this -- in this product.
9 The section view that I've got on the page right now,
10 for example, identified in item number 3 is what I
11 understand to be a rigid plastic piece that is mounted
12 to the cap and rotates up and down for the closed and
13 open positions, and the tube is inserted within that
14 part. But it's inaccessible to the mouth. It's only
15 visible from the outside or the distal surface, as you
16 indicate.

17 Q. If the distal surface, the green portion,
18 including the opening is inaccessible to the user, how
19 is fluid dispensed from the container if that surface
20 is blocked?

21 A. Because the way --

22 MR. MUDD: Object to the form.

1 THE WITNESS: -- this works, the user's
2 mouth engages the mouth -- the -- well, it's not
3 called a mouthpiece here. But the pivoting portion in
4 Ribarits is the part that's being engaged by the
5 mouth.

6 The part that Dr. Vallee has identified as
7 his mouthpiece in green is not accessible to the
8 mouth; therefore, is not a mouthpiece.

9 BY MR. MESSICK:

10 Q. You'd agree that the distal surface of the
11 green portion is not surrounded by the dispensing
12 valve --

13 (Parties speaking simultaneously.)

14 THE WITNESS: The --

15 BY MR. MESSICK:

16 Q. -- correct?

17 A. Well, again, looking at the section view and
18 we're seeing that the mouthpiece that has been
19 identified in green is a cylindrical form and that it
20 is surrounded all the way around by another component.

21 The face that is visible is not engaged by
22 the mouth that doesn't qualify as a mouthpiece in my

1 view.

2 MR. MESSICK: You can take that down,
3 Kollin.

4 I would like to pull up Exhibit 2019,
5 please.

6 THE TECHNICIAN: Pulling it up now.

7 MR. MESSICK: Thank you.

8 THE TECHNICIAN: On the screen now. And,
9 Mr. Jobin, you have control.

10 (Exhibit 2019, previously marked, referenced.)

11 BY MR. MESSICK:

12 Q. Do you recognize this textbook, Mr. Jobin?

13 A. Yes. This is a text that I cited in my
14 understanding as extrinsic evidence from my
15 understanding of rotational motion.

16 Q. Do you own a copy of this textbook
17 personally, Mr. Jobin?

18 A. I do not own a copy of this. I've reviewed
19 the relevant sections, but I've not purchased it
20 personally.

21 Q. How did you obtain a copy of this textbook,
22 then, to cite it in your deposition?

1 A. Well, I'm reviewing the excerpted portion
2 that's relevant to this particular discussion.

3 Q. I'm asking how you obtained this textbook if
4 you don't own a copy of it?

5 A. I think I'm reviewing this as an exhibit;
6 right? So I'm reviewing the document in electronic
7 form, PDF form, in the section that's been cited.

8 Q. Who provided you this exhibit?

9 A. This particular exhibit would have been, I
10 think, provided by counsel, as I recall.

11 Q. Counsel provided you Exhibit 2019. Is that
12 correct?

13 A. Well, I've certainly owned physics textbooks
14 myself in the past, just not this particular one. The
15 concepts are the same. But this particular document
16 was provided by counsel.

17 Q. If you'd go to page 22 of the PDF, please.

18 A. Sure.

19 Q. Looking mostly at the discussion at the
20 bottom, Figures 9.2 and 9.3. This is the angular
21 coordinate system; correct, Mr. Jobin?

22 A. What we're talking about here is angular

1 displacement delta/theta of a rotating body. There's
2 a picture of a propeller, and in the left-hand image
3 on (a), there's what looks like a protractor showing
4 that movement occurs from one position to different
5 positions, and it shows that as being angular
6 displacement.

7 So that's my understanding, and I think
8 that's concurrent with what you stated.

9 Q. If we look at the previous page, paragraph
10 starting on page 272 of Exhibit 19 [sic] going on to
11 273, we see that this textbook is describing the
12 angular coordinate system; correct?

13 MR. MUDD: Object to the form.

14 THE WITNESS: I don't see the words or the
15 term "angular coordinate system." However, the
16 concepts are based on angular coordinates that are
17 defined in terms of angle theta relative to an axis O.
18 So I think that's the same thing. It's certainly an
19 angular coordinate system in my understanding.

20 Q. Okay. The angular coordinate system includes
21 two coordinates; correct?

22 Let me state that another way.

1 The angular coordinate system includes an
2 angular position relative to the X axis; correct?

3 A. Well, if you're describing the location of a
4 point in the angular coordinate system, there are two
5 elements that are used to describe that position. One
6 is the angular displacement from a home position, and
7 the other is a distance or radius from the axis of
8 rotation.

9 Q. If you could scroll down to page 28 of the
10 PDF, please. I don't think it actually -- there you
11 go.

12 Just looking at the bottom of page 28 onto
13 page 29, can you convert angular kinematics to linear
14 kinematics?

15 MR. MUDD: Object to the form.

16 THE WITNESS: Well, the angular coordinate
17 system in these systems is used as a matter of
18 convenience, because the motion is best described with
19 angles and the distance. Systems can be analyzed in
20 the XY coordinate system as well, but this is more
21 convenient for this type of analysis.

22 BY MR. MESSICK:

1 Q. But you would agree that you could
2 characterize the movement both in terms of its angular
3 position using the angular coordinate system and its
4 linear position using the traditional XY coordinate
5 system; correct?

6 A. Well, I would agree that the position of a
7 point relative to a base point can be described using
8 either XY coordinates -- again, we're talking about 2D
9 analysis here -- either XY coordinates or a radial
10 coordinate system, yes.

11 Q. Those principles apply equally to 3D systems;
12 correct?

13 A. Well, 3D system is complicated a bit. But
14 yes, a point in space can be defined relative to a
15 base point in XY and Z coordinates. Radially it gets
16 more complicated because you're changing the frame or
17 the plane of reference.

18 So you have to decide whether or not
19 their -- the system can be analyzed using a slice. If
20 it's rotational motion, you should be able to analyze
21 it in 2D.

22 Q. Okay. I would just like to scroll down I

1 believe to page 57 of the textbook if you don't mind.
2 It might be easier just to type it in than scroll that
3 far.

4 A. You said five seven?

5 Q. Yes, sir.

6 A. Okay.

7 Q. Just looking at section 10.3 towards the
8 bottom, it reads: We can extend our analysis of rigid
9 body rotational dynamics to some cases in which the
10 axis of rotation moves. When that happens, the motion
11 of the rigid body is combined translation and
12 rotation. The key to understanding such situations is
13 this: Every possible motion of a rigid body can be
14 represented as a combination of translational motion
15 of the center of mass and the rotation upon an axis
16 through the center of mass.

17 A. Okay.

18 Q. This is an example describing rotation of an
19 object and the translational motion of its axis of
20 rotation; correct?

21 A. I've cited to both of the examples here.

22 Well, this one is an example of a baton that's being

1 tossed while it's spinning. So it's a parabolic
2 movement of the center of mass of the baton. And then
3 the baton itself is engaged in rotational motion
4 around its center of mass.

5 And then there's another example of a
6 rolling wheel in which you have a center of mass
7 that's translating from left to right, but you also
8 have rotational motion around that -- that axle of the
9 wheel.

10 Q. So this is describing a particular example
11 where the baton is rotating about a center point, and
12 the center of the baton is moving in this arc shape;
13 correct?

14 A. That's correct. That's what this is
15 describing.

16 Q. And the wheel example, I believe it's on page
17 59, is another example where the wheel rotates and the
18 center of the wheel is moving translationally;
19 correct?

20 A. I don't see it on page 59 but the -- oh, I
21 missed it. One moment.

22 As I described in the wheel example,

1 the -- the wheel is rotating about its center or its
2 center of the circle of the wheel. And then
3 simultaneously the wheel center is moving from left to
4 right in this example in a linear fashion. So there's
5 a combination of two different motions that are
6 combined to analyze the system.

7 Q. Please scroll back up to 57. I would like to
8 talk about that baton example again. Just down there
9 at the bottom. The baton is rotating about its center
10 point; correct?

11 A. In this example, it's understood that the
12 baton is spinning about its center of mass.

13 Q. The baton -- sorry, strike that. The center
14 of rotation of the baton is moving in the arc shown in
15 Figure 10.11; correct?

16 A. Correct. In this particular example, a
17 tossed baton in a, you know, typical gravitational
18 field would move in a parabolic arc as illustrated.

19 Q. So the rotation of the baton does not affect
20 the translation of the center of the baton moving in
21 the translational arc?

22 MR. MUDD: Object to the form.

1 THE WITNESS: Well, they both are
2 occurring at the same time. I don't know that I have
3 stated that the rotational motion doesn't have any
4 impact. I think in the simplified case, you're
5 analyzing two versions of the motion that are
6 occurring simultaneously by extracting the rotation
7 and analyzing the motion of the center of mass
8 separately and then adding them together to get the
9 resulting motion.

10 BY MR. MESSICK:

11 Q. So you would agree that two motions can be
12 added together to form the resulting motion?

13 A. Right. And, in this case, it's a combination
14 of translational motion and rotational motion. That's
15 the point I'm trying to make.

16 Q. This is a specific example where the baton
17 moves translationally; correct?

18 A. What they're illustrating here in the figure
19 at the bottom of this page 57 of this exhibit, is that
20 you have a system that's got two components; a
21 rotating component and a translational component.

22 And you can analyze that motion

1 separately. You can see that in the bottom left-hand
2 corner, the baton is not spinning. It's just
3 horizontal, and it's moving through that parabola.
4 And then you can add the rotation of that baton around
5 its center of mass as an additional element to fully
6 describe its motion.

7 Q. So you would agree that the baton translates
8 left to right?

9 A. The baton translates from -- I think I would
10 view this being tossed from right to left, but it
11 could be either way.

12 Yes, the baton itself -- and particularly
13 its center of mass because that's what is being
14 plotted -- is moving, in this case, in a parabolic
15 arc.

16 Q. Is it possible to characterize the
17 translational movement of the rod using the polar
18 coordinate system?

19 MR. MUDD: Object to the form.

20 THE WITNESS: Well, certainly it's not
21 something that I've ever seen done. It's much easier
22 to do it in X and Y system because you can plot the

1 parabola on the XY coordinate system more easily.

2 The polar or angular system is used to
3 describe the rotation more typically. So that's
4 how I've seen it.

5 BY MR. MESSICK:

6 Q. I would like to go down to pages 68 --
7 actually to page 69 of the PDF, which is page 320 of
8 the exhibit.

9 Do you see this figure, what looks to be
10 Albert Einstein, Figure 10.29?

11 A. Yes.

12 Q. Do the dumbbells rotate as the professor
13 rotates?

14 A. Yeah, I'm just reading through the setup of
15 the example. I mean, the idea here is that the
16 professor is holding the dumbbells' spinning platform
17 and then pulls the dumbbells closer to his center of
18 mass which changes the rotational velocity. It goes
19 faster when you pull it in.

20 Q. So dumbbells rotate with the professor
21 throughout that drawing in of the dumbbells; correct?

22 A. The dumbbells are being, in this example --

1 are held at a distance relative to the axis of
2 rotation, which is the centerline of the spinning
3 platform in the vertical plane. In order to spin
4 about that axis, you need to be standing above that
5 axis or you'll be thrown off the platform.

6 So in this case, he's pulling them in and
7 out relative to that center axis to change the
8 rotational velocity. That's the lesson.

9 Q. I'm asking about the motion of the dumbbells.
10 Do the dumbbells rotate about the axis?

11 A. Well, I think I've made that clear. The
12 professor is holding onto the dumbbells as he rotates
13 on the platform. The dumbbells are held in his hands
14 as he rotates, and so they are rotating with him,
15 because they're held at a particular distance from the
16 axis of rotation.

17 Q. Do the dumbbells rotate [indiscernible] --
18 (Parties speaking simultaneously.)

19 THE WITNESS: Yeah --

20 BY MR. MESSICK:

21 Q. -- as the professor draws them from the
22 extended position to the closed position?

1 (Parties speaking simultaneously.)

2 THE STENOGRAPHER: I'm sorry, Counsel,
3 could you repeat your question? I didn't hear the
4 beginning of it.

5 MR. MESSICK: Absolutely.

6 BY MR. MESSICK:

7 Q. Do the dumbbells rotate about the axis as the
8 professor draws them in from the extended position to
9 the closed position?

10 A. At any particular moment, they are rotating
11 about the axis. However, this is a dynamic case which
12 is illustrating changes and velocity.

13 So, you know, if you're trying to analyze
14 the motion on the top view of those, they start out as
15 a fixed diameter and they're rotating. That diameter
16 is subsequently changed to a smaller diameter and
17 they're rotating about that axis.

18 What's happening in between there is
19 difficult to know because we don't have any details
20 which tell us how they're moved from one position to
21 another, you know. That is a complicating factor in
22 being able to answer that succinctly.

1 Q. We can conclude that the diameter radius that
2 the dumbbells are being held at decreases from the
3 before to the after position; correct?

4 A. Well, there is a before position in which
5 they're held at arm's length, and then there's an
6 after position which they're held closer to the body.

7 And in both of those cases, they're at a
8 particular distance from the center axis, and when
9 they're held in that position they are rotating about
10 that axis in this example.

11 Q. But in that in between the two positions
12 where the diameter is changing, are the dumbbells
13 rotating about the axis?

14 A. Well, there I would describe their motion as
15 more complex. It's a combination of translation and
16 rotation.

17 Q. So the dumbbells can move rotationally and
18 translationally at the same time; correct?

19 A. Well, there's two components to their motion.
20 In order to describe -- like I said, it was complex in
21 between the two end states. But at the end states,
22 they're moving in a circle. But between those states,

1 I'm seeing that, in this particular example, it would
2 require more to describe their motion accurately.

3 Q. More would be required to describe the motion
4 accurately?

5 A. Right. As I stated earlier, their motion
6 while they're being drawn in from the outer diameter
7 to the inner diameter is a combination of rotation and
8 translation.

9 Q. You would agree that the dumbbells rotate as
10 they translate; correct?

11 MR. MUDD: Object to the form.

12 THE WITNESS: I'm saying to describe their
13 motion, you need to -- you need to -- you can't
14 accurately characterize them as being in rotational
15 motion during that transition. You have to include
16 the fact that they're translating as well.

17 It's a combination. So it's a complex
18 path. They go in some type of an arc. You would have
19 to view it from the top and plot their position
20 around. It depends on the rate that they're being
21 pulled in by the person in the example.

22 So there's unknowns there. But in order

1 to know where they are at any moment in time, you
2 would have to have more information, and you would
3 have to account for both their linear motion and
4 their -- the fact that they're moving around in axis
5 while they're in linear motion. So it's complex.

6 MR. MESSICK: I think we can take a break
7 for now. We'll go off the record.

8 (Off the record.)

9 (Short recess taken.)

10 BY MR. MESSICK:

11 Q. Welcome back, Dr. -- or Mr. Jobin.

12 A. Thanks.

13 Q. Did you speak with anybody on the break?

14 A. No.

15 Q. I would like to go back to Exhibit 2019
16 really quick.

17 MR. MESSICK: Can we pull that up, Kollin.
18 Just back up to page 57 of the PDF.

19 BY MR. MESSICK:

20 Q. Is it possible for the rod to move
21 rotationally -- sorry, strike that.

22 Is it possible for the center of the rod

1 to move rotationally, Mr. Jobin?

2 A. I'm just thinking about what example would
3 be -- I would say that the answer is yes. If there
4 was -- if it was constrained to an axis in a way that
5 the center point of the baton could move in a circle,
6 the baton itself could also freely -- could also
7 rotate about its axis of center of mass at the same
8 time. Yeah, it could happen.

9 MR. MESSICK: No further questions. I'll
10 pass the witness.

11 MR. MUDD: No questions for the patent
12 owner.

13 THE STENOGRAPHER: Mr. Messick, I
14 understand you're getting a thee-day expedite?

15 MR. MESSICK: Yes, business days.

16 THE STENOGRAPHER: Yes, and I will get you
17 the rough draft shortly.

18 Mr. Mudd, would you like a copy?

19 MR. MUDD: No, I don't need one.

20 THE STENOGRAPHER: Okay. Thank you,
21 everyone. I'll go ahead and sign off.

22 (The deposition concluded at 10:48 a.m.)

DECLARATION UNDER PENALTY OF PERJURY

I, MICHAEL JOBIN, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true,
correct and complete transcription of the
testimony given by me, and any corrections appear
on the attached Errata sheet signed by me.

MICHAEL JOBIN

DATE

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2

3 I, Nichole Forrest, RDR, CRR, CRC, Certified
4 Reporter and Notary Public within and for the State of
5 California do hereby certify:

6 That MICHAEL JOBIN, the witness whose
7 deposition is hereinbefore set forth, was duly sworn
8 by me before the commencement of such deposition and
9 that such deposition was taken before me and is a true
10 record of the testimony given by such witness.

11 I further certify that the adverse party,
12 CAMELBAK PRODUCTS, LLC, was represented by counsel at
13 the deposition.

14 I further certify that the deposition of
15 MICHAEL JOBIN, occurred remotely on Tuesday, November
16 25, 2025, commencing at 8:04 a.m. to 10:48 a.m.

17 I further certify that I am not related to
18 any of the parties to this action by blood or
19 marriage; I am not employed by or an attorney to any
20 of the parties to this action; and that I am in no way
21 interested, financially or otherwise, in the outcome
22 of this matter.

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand this 28th day of November, 2025

3

4

Nichole Forrest

5

6 Nichole Forrest, CRR, RMR, CRC
7 California CSR No. 13527
8 My commission expires:
9 9/8/2026
10 NOTARY PUBLIC IN AND FOR THE
11 STATE OF CALIFORNIA

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